

# The 'Dependent' Indian Women in the US

## A New Beginning?

DIVYA RAVINDRANATH

What about the dependent Indian women on H4 visa who accompany the H1B visa holders to the United States? The H4 visa has disempowered the dependents in many ways—kept them outside the labour market, with their legal and financial status tied to that of their spouses' immigration status.

Every other day, the Indian media carries news on the H1B visa—granted by the United States (US) to highly-skilled workers employed in specialised fields such as science and technology—tracking the number of visa applicants, the cap for the oncoming cycle, trials of the Indian industries particularly the information technology (IT) sector, and challenges of the workforce and so on. The attention is probably well-deserved. After all Indians form the largest proportion of foreign workers living on H1B visa in the US. In the 2015 fiscal year alone, 69% of the total 1,72,748 H1B visas were granted to Indians, numbers that have been increasing in the past few years.

Yet ironically, while the H1B visa has become a matter of “national interest” capturing diplomatic attention and academic interest, little is known about the dependents (on H4 visa) who accompany the H1B visa holders each year. This, despite the fact that Indians form the highest proportion of H4 visa holders, a segment that has also increased rather steeply like the H1B in the past decade. Eighty-two percent of the total 1,24,484

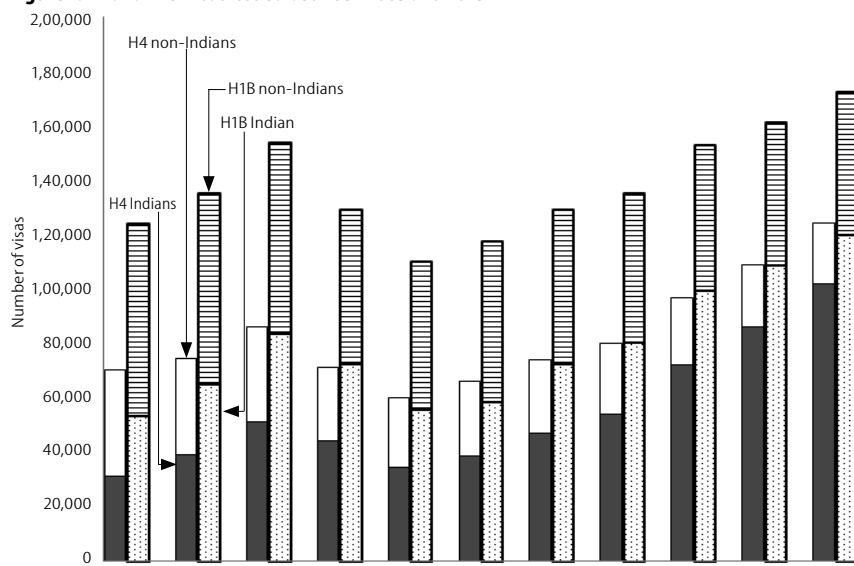
H4 visas issued in 2015 fiscal year were given to Indian dependents.

From a gender perspective, this discrepancy in attention accorded to the H1B and H4, which are innately tied together, has two major implications: First, it perpetuates an overt focus on the male workforce, as the H1B visa mostly caters to sectors that are male dominated not just in India but across the globe. Consequently, it disregards the aspirations and experiences of the dependents, almost always women, who have lived under an extremely restrictive visa regime.

It is indeed surprising that there has been no systematic assessment of the H4 visa, which has disempowered the dependents in many ways—kept them outside the labour market, with their legal and financial status tied to that of their spouses' immigration status (Chang 2014; Mohan 2013). The popular narratives of American immigration have always overlooked this category of immigrants—their personal experiences and socialisation processes, their sense of isolation and dependence, and professional setbacks that have pushed women several steps behind.<sup>1</sup>

The main purpose of this article is to draw focus on these “dependent” women. The broader context here is the recent ruling of the United States Citizenship and Immigration Services (USCIS) that has extended employment authorisation to a certain section of dependents living on H4 visa. The article is divided in the following manner: the next section presents a brief background note on the H4 visa;

Divya Ravindranath ([divyarrs@gmail.com](mailto:divyarrs@gmail.com)) is a PhD student at Washington University in St Louis.

**Figure 1: H4 and H1B Visas Issued between 2005 and 2015**

Source: <https://travel.state.gov/content/visas/en/law-and-policy/statistics/non-immigrant-visas.html>, accessed on 26 June 2015.

thereafter the article looks at the employment authorisation document (also known as EAD) ruling which came into force only a year ago; it then discusses women's perceptions of opportunities in the labour market post the EAD, and the barriers and challenges that confront them; the last section is the concluding paragraph. The information presented is based on 31 in-depth interviews undertaken with Indian women currently living on H4 visa in different parts of the us.<sup>2</sup>

### Background on H4 Visa

In the past decade, the us has issued tens of thousands of H1B and H4 visas. Figure 1 provides an estimate of the trends in these visas over time. As seen here, except for the period immediately after the American recession in 2008, there has been an overall increase in the numbers of H1B and H4 visas issued worldwide, as well as a steep increase in Indians availing these visas. It is also clear that the H4 visa closely trails the H1B visa over time.

Since the H1B visa caters to larger number of male professionals, it is implicit that most H4 visa holders are women (and their children); this is also consistent with the fact that more women are likely to move for their spouses than the other way round, especially among Indians. Considering the sheer number of women on H4 visa, this may well be one of the largest corridors of migration for Indian women.

The discussion on H4 visa inevitably centres on H1B visa as it holds no legal significance without the latter. When an individual migrates to the us on H4 visa she becomes "dependent" in every sense of the word. This is because under the existing us visa regime there are vast differences in the two visa categories. Until the passage of the EAD about a year ago, no H4 visa holder could attain lawful employment, be financially independent, get a social security number, maintain a separate bank account, or even secure a driver's licence without their spouse's consent.

Women interviewed for this study used phrases like "loss of identity," "complete dependence," "lack of confidence," "forced unemployment," "a nightmare" to describe their experiences and the implications of the H4 visa. For many women, the idea of being "unemployed" after securing high educational qualifications and prior work experience has been akin to living an anonymous life. In the absence of professional opportunities women complained about being wrapped in domestic responsibilities and moments of self-doubt, with no avenues for intellectual or social interactions. As Bragun (2007) notes in her reflective work, the H4 visa has taken away more than the "money-making capacity of H4 spouses—it also suppresses their ability to meaningfully function in society by restricting their ability to participate in daily transactions with third parties."

Prior to the EAD, dependents' job applications were commonly rejected at the first instance because of the H4 visa status. As one of the participants noted,

It was frustrating that I couldn't submit my online application because it wouldn't even recognise the H4 visa. All I wanted was an opportunity to talk to a person to convince him that I was worth a job in his company. But I never went past the online system.

Women expressed that they spent large chunks of their time looking for employers who could sponsor H1B visa; but since the H1B visa process is long-drawn and expensive, most companies bluntly refused to take the financial and legal risk in helping candidates move from H to H1B visa.

Interestingly, when asked if they had prior information on the restrictive nature of the H visa, all women except one noted in the affirmative; their decision to emigrate was, however, based on assumptions that such restrictions could be circumvented because they were "smart enough," "highly qualified," "skilled," "talented" or had the "right background" to get a company to sponsor a H1B visa. The realisation that the visa regulations were far more constrained than what they had anticipated came to women much later, disorienting them in many ways. A woman who has been in the us for five years commented, "It's impossible to believe that such visa laws exist in contemporary time. Women can't work? What are we, in 1850 or something?"

### EAD Ruling

In May 2015, the USCIS extended EAD to a certain section of H4 dependents as part of the series of immigration reforms undertaken by the Obama administration. The EAD ruling addresses a long and continued campaign led by immigration activists, lawyers and groups of H4 visa holders who have argued against the discriminatory nature of the EAD that is rooted in archaic notions of the dependent immigrant.

In its current form, the EAD is granted only to those H4 visa holders whose spouses' green card applications are in an advanced stage of processing. Rough estimates suggest that at least a couple of

thousands of women may have already benefited from the EAD. Whether this ruling is likely to be extended to the more recent immigrants (not on green card path) is yet to be seen, and while that debate continues, it is necessary to study the early experiences of women seeking to rejoin the labour force with the EAD.

### Opportunities, Barriers and Challenges

The EAD has changed the immigration experience of women living on H4 visa. A participant commented that after staying at home for eight years, the EAD simultaneously overwhelmed and excited her:

It was like a prison gate had just been opened. It all happened so fast that I was willing to take the first job I could get. I was worried that Obama would change his mind and overturn the EAD. I didn't want to take any chances. So I applied wherever I could and I was ready to take whatever I could find. But of course my husband calmed me down and then I waited for a job I really wanted. It's so easy to get confused when you have longed for something for so long. My purpose isn't just cooking and cleaning anymore, I have a real life outside this house.

Another participant said:

I had called this small start-up company several times in the last three years. I am an IT person and I badly wanted that job. Each time they were like my qualifications and background sounded perfect, but they couldn't hire me because of the H4. And when the EAD ruling was passed, I called them and it took the guy less than three seconds to say yes. It was that easy. The only thing between me and the job was the darned visa.

In general, women said that the EAD had opened up many worlds of opportunities, not just in terms of a career but also a social space—

I couldn't believe that after sitting at home for over three years, I was going to have a job. Have friends again and meet them. Also go out to do other things than just buy groceries.

Participants also expressed time and again that they were happiest about being financially independent. For instance, one noted,

I no longer have to feel guilty about buying myself a good lunch, or buying clothes or any other thing I need. I don't have to

depend on my husband and that has changed everything for me.

While the participants were undoubtedly delighted about the professional landscape that had opened after the EAD, they were also very mindful of the challenges. For many women the bigger challenge was finding a job that acknowledged their previous experience. A media professional complained that the labour market was not all that open:

I am actively looking, but the thing is I have had such a big gap in my career that it's very hard for people to look past it. Even though I have a EAD right now. It's been ten years since I have worked. I am finding it very difficult to find a job because of the line I was in. Trying to tell people that I used to be a writer and still have those skills if they give an opportunity.

The gap in the curriculum vitae, so to say, also plays a major role in wage negotiation. An IT professional remarked,

I am a couple of years behind. I could have been making this much money three years ago that's for sure but I am still glad that I was able to find the job that I found. It's a common thing that women have to compromise and the gap just makes it far worse.

The fact remains that even with the EAD women have to negotiate harder for a wage and a position that they deserve, because the H4 visa has kept them out of the labour force for way too long.

A major limitation of the EAD is that it has been extended only to those H4 visa holders whose spouses are in an advanced stage of their green card application, in particular those who have been given the I-140 (one of the many complicated document names under the US visa regulations). Anyone who is familiar with the green card process will understand that this is a peculiar trap. Unless the H1B visa holder is on the EB-1 category that is given to extremely specialised high-skilled workers, the I-140 can easily take up to a couple of years. This means that most dependents will not have an equal shot at entering the labour market at least in the initial few years.

A MBA degree holder who is unlikely to receive the EAD for at least another two years retorted:

first my visa depended on my husband's visa and I was not allowed to work because the H4 rules said so. Finally when it looked like an opportunity was being given, I am told I

still can't work because my husband is not part of that elite group of people on EB-1. So still my professional life continues to be dependent on him. What if I am highly skilled? Does that matter to anyone?

### Conclusions

Visa regulations are a complex product of a nation's political and economic discourse. Whatever the rationale may be, as pointed out by one of the participants in the study, it is appalling that in contemporary times a visa regime has failed to bestow equal opportunities and rights to both the primary immigrants and their dependents. Unfortunately, in the absence of a more systematic analysis, the experiences of women on H4 visa have just remained anecdotal, and have been disregarded in the larger discussions on visa regulations and policy frameworks. The EAD may be a positive step, but its impact will be limited unless it is extended to other H4 dependents as well.

### NOTES

- 1 A small but significant body of work has noted that such visa restrictions entrap victims of domestic violence as they are entirely dependent on their partners for their survival in the US (Abraham 2005; Balgamwalla 2013; Kelkar 2012).
- 2 Methodology: A purposive sample was used in this study to include the most "active" voices that were willing to engage in a conversation on H4 visa. Participants were contacted via Facebook groups that exclusively catered to those living on H4 visa. In addition, snowball sampling was also adopted, using references of the first few participants. Semi-structured interviews were conducted via internet based software. Of the 31 women interviewed, 26 had received their EAD during the interview process.

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